

## **EXHIBIT A**

# TITLE 1

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## ***Civil Procedure Law***

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1. *Rights not represented by negotiable instrument or stock certificate.* Where property consists of a right or share in the stock of an association or corporation, or interests .or profits therein, for which a certificate or stock or other negotiable instrument is not outstanding, the corporation, or the president or treasurer of the association on behalf of the association, shall be the garnishee.
2. *Right in decedent's estate or trust fund.* Where property consists- of a right or interest to or in a decedents estate or any other property or fund held or controlled by a fiduciary, the executor or trustee under the will, administrator, or other fiduciary shall be the garnishee.
3. *Interest in a partnership.* Where property consists of an interest in a partnership, any partner other than the judgment debtor, on behalf of the partnership, shall be the garnishee.
4. *Property evidenced by negotiable instrument, negotiable document, or stock certificate.* Where property or a debt is evidenced by a negotiable instrument for the payment of money, a negotiable document of title or a certificate of stock of an association or corporation, the instrument, document, or certificate shall be treated as property capable of delivery, and the person holding it shall be the garnishee.<sup>413</sup>

**§ 44.37. Discharge of garnishee's obligation.**

A person who, pursuant to an execution or order, pays or delivers to the judgment creditor or a sheriff or receiver money or other personal property in which a judgment debtor has or will have an interest, or so pays a debt he owes, is discharged from his obligation to the judgment debtor to the extent of the payment or delivery.<sup>414</sup>

**§ 44.38. Receivers.**

1. *Appointment.* Upon motion of a judgment creditor, upon such notice as the court may require, the court may appoint a receiver who may be authorized to administer, collect, improve, lease, repair, or sell any real or personal property in which the judgment debtor has an interest or to do any other acts designed to satisfy the judgment. As far as practicable, the court shall require that notice be given to the judgment debtor and to any other judgment creditors of the judgment debtor. The order of appointment shall specify the property to be received, the duties of the receiver and the manner in which they are to be performed. A receiver shall have no power to employ counsel unless expressly so authorized by order of the court. A receiver shall be entitled to necessary expenses and to such commissions, not exceeding five percent of the sums received and disbursed by him, as the court which appointed him allows, but if a judgment creditor is appointed receiver, he shall not be entitled to compensation. If a receiver has been appointed, a court making an order directing payment or delivery of property shall direct that payment or delivery be made to the receiver rather than to a sheriff. Sections 7.82, 7.83, 7.84, and 7.85 are applicable to receivers appointed under this section.

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<sup>413</sup> Prior legislation: L. 1963-64, ch. III (6:4436).

<sup>414</sup> Prior legislation: L. 1963-64, ch. III (6:4437).

2. *Extension of receivership.* Where a receiver has been appointed, the court, upon motion of a judgment creditor, upon such notice as it may require, shall extend the receivership to his judgment.<sup>415</sup>

#### **§ 44.39. Executions.**

1. *Form.* An execution shall specify the date of the judgment, the court in which it was entered, the amount of the judgment, and the amount due thereon. Where one or more persons against whom the judgment was recovered are not judgment debtors, or are deceased, the execution shall also specify each judgment debtor not deceased and direct that only property in which such judgment debtor has an interest, or debts owed to him, be levied upon or sold thereunder. Where the judgment was recovered for all or part of a mortgage debt, the execution shall also describe the mortgaged property, specify the book and page where the mortgage is recorded, and direct that no part of the mortgaged property be levied upon or sold thereunder.

2. *Issuance.* After a judgment is entered unless a stay of execution takes effect under section 51.20 or immediately after payment is due on such judgment or part thereof under section 44.22, and before a judgment is satisfied or vacated or the time limited for commencing an action upon the judgment expires, an execution may be issued by the clerk of the court in the county in which the judgment was first entered to the sheriff of the county where judgment was rendered directing him to levy upon the real and personal property of the judgment debtor. If a levy on real property is to be made under an execution issued by a court not of record, the execution shall be directed to the sheriff and not to a constable.

3. *Return.* An execution shall be returned to the clerk of the court from which it was issued within sixty days after issuance, except that in the case of an execution issued by a court not of record and directed under paragraph 2 to a sheriff, the execution shall be returned to the clerk of the Circuit Court of the county wherein the execution was issued. The sheriff shall attach to the execution on its return to the court a schedule of the property on which he has levied together with an itemized appraisal of its value.

4. *Entry of alphabetical notation on return of execution.* A sheriff shall return an execution to the clerk of the court from which the execution issued, endorsing thereon whether it is returned unsatisfied or wholly or partially satisfied, and the clerk shall make an appropriate entry in the book required to be kept under section 41.4. The sheriff shall also deliver to the person making the payment, upon request, a certified copy of the execution and of the return of satisfaction or partial satisfaction.<sup>416</sup>

#### **§ 44.40. Levy upon personal property.**

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<sup>415</sup> Prior legislation: L. 1963-64, ch. III (6:4438).

<sup>416</sup> Prior legislation: Par. 1: L. 1963-64; ch. III (6:4439(1)). Par. 2: L. 1963-64, ch. III (6:4439(2)); L. 1959-60, ch. LXIII, § 1 (6:930); ch. XLIX (6:932); 1956 Code 6:930-932; L. 1935-36, ch. XXIII, § 1; Rev. Stat. §§ 416, 659, 660; J. P. Code §§ 46, 47; OBB 113, Judiciary Act, art. 1, § 2; OBB 67, Legal Principles and Rules, t. II, ch. XVIII, §§ 1, 2, 2 Hub. 1570. Par. 3: L. 1963-64, ch. III (6:4439(3)); L. 1959-60, ch. LXIII, § 3 (6:933); 1956 Code 6:933; Rev. Stat. §§ 418, 662; J. P. Code § 49; OBB 67, Legal Principles and Rules, t. II, ch. XVIII, §§ 3., 4, 2 Hub. 1570. Par. 4: L. 1963-64, ch. III (6:4439(4))).